

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG DIVISION**

<b>JOSEPH NOLAN, ERIC WOOMER,</b>	)	
<b>CARLA COBLE, STEPHANIE LAING,</b>	)	<b>Honorable John Preston Bailey</b>
<b>POPPY CHRISMAN,</b>	)	<b>(Magistrate David J. Joel)</b>
	)	
<b>Individually and as Class</b>	)	
<b>Representatives, Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 3:08-CV-62</b>
	)	
<b>RELIANT EQUITY INVESTORS, LLC,</b>	)	
<b>a foreign limited liability company, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

Plaintiffs, by and through their undersigned counsel, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure and Local Rule 7.02(a), move the Court to grant preliminary approval of a settlement of this class action. The grounds for this motion are set out below.

1.

On March 20, 2008, Plaintiffs filed a one-count complaint in this Court alleging violations of the Wage Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 *et seq.* (“WARN Act”) related to the shutdown of AB&C Group, Inc. (“AB&C”) on or about March 14, 2008, thereby commencing the above-captioned lawsuit (the “Nolan Lawsuit”).

2. Shortly thereafter, on March 28, 2008, Plaintiffs filed an amended complaint, adding another representative plaintiff and a second count alleging violations of the Fair Labor

and Standards Act, 29 U.S.C. §§ 201, *et seq.* (“FLSA”) for preliminary work performed by AB&C call center agents off the clock in excess of 40 hours per week.

3. On August 10, 2009, the Court entered an order certifying a Rule 23(b)(3) class with respect to the WARN Act claims and conditionally certifying a collective action pursuant to 29 U.S.C. § 216(b) with respect to the FLSA claims.

4. Plaintiffs, and other similarly situated individuals, filed two additional lawsuits in the Circuit Court for Berkeley County, West Virginia (the “Coble Lawsuit”) and the Circuit Court for Jefferson County, West Virginia (the “Gladney Lawsuit” and together with the Nolan Lawsuit and the Coble Lawsuit, the “Lawsuits”) alleging violations of the West Virginia Wage Payment and Collection Act, W. Va. §§ 21-5-1, *et seq.* (the “WPCA”). The Gladney Lawsuit also asserted causes of action for common law fraud and emotional distress related to the closure of AB&C on or about March 14, 2008. The Coble Lawsuit was subsequently transferred to the Circuit Court for Jefferson County, West Virginia.

5. On June 25, 2009 and again on December 8, 2009, the parties participated in two full days of mediation, which ultimately resulted in a tentative agreement to settle all of the claims asserted in the Lawsuits.

6. On December 17, 2010, the parties executed the Settlement Stipulation memorializing the terms and conditions of the tentative settlement. A true and correct copy of the Settlement Stipulation is attached hereto as Exhibit 1.

7. Plaintiffs now request that the Court grant preliminary approval to the terms and conditions of the Settlement Stipulation and that the Court set a date for an allocation Hearing pursuant to the settlement stipulation.

WHEREFORE, Plaintiffs respectfully request that their motion be granted.

Respectfully submitted,  
Counsel for the Named Plaintiffs and for the  
Plaintiff Class

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By: /s/ David M. Hammer

Date: December 17, 2010

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<b>a foreign limited liability company, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**CERTIFICATE OF SERVICE**

I CERTIFY that I have filed this document electronically with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to the following counsel of record:

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